

THE UNIVERSITY OF MICHIGAN

SENATE ASSEMBLY

Minutes of the Special Assembly Meeting, May 3, 1972

TENDANCE

Present: Rutledge, Allen, Asgar, Bowditch, Buning, Caldwell, Cartwright, Cooperrider, Crawford, Danielson, Evaldson, Fader, Floyd, Franken, Goodman, Heller, Higgins, Hood, Jaini, Dunlap, Colburn, Kerr, Kish, Lands, Larkin, Lloyd, Loomis, Rothman, Nystuen, Oberman, Ostrand, Sandalow, Schuman, Vander, Vaughn, Wilkes, Williams, Zweifler, Kincaid, Hinerman

Absent: Anton, Birch, Brockway, Cassidy, Cohen, Cornish, Darvas, Bohr, Ehrenkreutz, Reade, Graebel, Harrison, Hertzler, Hymans, Magee, Marshall, Hafter, Overseth, Paul, Preston, Rowe, Ryder, Sana, Sawyer, Moore, Simpson, Verheyen, Votaw

Guests: Members of the Academic Affairs Advisory Committee and Rights and Responsibilities Committee.

CALL TO
ORDER

Chairman Hinerman called the meeting to order at 3:21 p.m. in the Rackham Amphitheater.

QUASI
COMMITTEE
OF THE
WHOLE

The Chairman suggested that it would be advantageous to begin the discussion in a Quasi Committee of the Whole. This was agreed to, and the Assembly remained in the Quasi Committee of the Whole until it rose at 4:13.

MOTION TO
ACCEPT
PART A OF
R & R REPORT

Prof. Loomis, seconded by Professor Larkin, moved acceptance of Part A of the report of the Committee on Faculty Rights and Responsibilities.

MOTION TO
SUBSTITUTE
AAAC RECOM-
MENDATIONS

Mrs. Dunlap, Chairman of the Academic Affairs Advisory Committee, moved that the alternative proposal of that committee dated March 30, 1972 should be substituted for the proposal under consideration; her motion was seconded by Professor Kerr.

MOTION TO
TABLE

Professor Oberman moved that the question should be tabled until written legal advice was obtained on whether setting up the consultative negotiations proposed in the Rights and Responsibilities report might constitute an unfair labor practice.

Professor Franken objected to the tabling motion, saying that he thought a good discussion on the merits of the proposals was in progress.

Professor Sandalow agreed, saying that the legal questions could not be properly posed until more background was provided. He suggested formulating questions for the consideration of both committees about the precise functions that they contemplated for the reconstituted Committee on the Economic Status of the Faculty, about experience at other comparable institutions, and about the role of the committee relative to department and college executive committees.

Professor Larkin also opposed tabling, saying that the legal entanglements could not be resolved prior to an actual court case.

Professor Fader asked what the difference was between consultation and negotiation.

Professor Dunn replied, saying that he had had experience in faculty union negotiations in England. He said that things became more complicated once a negotiating role was adopted. In part, the faculty would be negotiating against themselves. He went on to point out that the new committees on planning and budgeting were in the process of being set up and had not yet been tried out. He felt that these should be given a chance to operate before a negotiating system was set up.

In response to a request from Professor Loomis to hear from a representative from the Rights and Responsibilities Committee, the chairman invited Professor Eggertsen to speak. Professor Eggertsen said that the discussions the Committee had had with the chairmen of the Academic Affairs and Economic Status Committees indicated that consultation, as they had attempted it in the past few years, didn't seem to work. He said that remarks that equated the Committee's proposals with setting up a labor union were not quite fair; the Committees were trying not to have a labor union. They felt that unionization would come unless the present situation was changed, and they thought that their proposals were the minimum ones necessary to head off unionization.

Professor Lands said that he was reassured by Professor Eggertsen's statement. He said that this made the precise wording of any proposal that was adopted important, since it was necessary to know what would constitute forming a union.

Professor Sandalow felt that the lack of clarity of the Rights and Responsibilities report made it impossible for a lawyer to say whether a union was being set up or not. He asked, for example, what would happen if the reconstituted Economics Status Committee proposed that the money allocated for salary increases should be entirely used up in across-the-board raises. This would cut across the existing mechanisms for determining individual faculty compensation.

Professor Franken asked where the new apparatus would get the clout that was claimed to be lacking in the existing apparatus. Professor Eggertsen said that just a little more determination was being injected. Professor Franken suggested that the central administration was now saying "we hear you" with the new mechanisms that were being set up. Professor Eggertsen said that these mechanisms were proposed after the Rights and Responsibilities report came out. Professor Sandalow questioned this assertion, and Chairman Hinerman confirmed that President Fleming's proposals had appeared in draft form before the Rights and Responsibilities report was published. Professor Eggertsen said that in any case, the new committees that were being set up were still advisory in nature, and that there was no reason to suppose that they would work out better than the old ones had.

Professor Rothman said that he favored the Rights and Responsibilities report, but that he would like the legal questions to be clarified. Professor Crawford said that tabling would be a mistake, since the legal questions were not the only difficulty with the Rights and Responsibilities report. He felt that it was necessary to ask the Rights and Responsibilities Committee more questions. Professor Franken asked whether there was any mechanism for obtaining a straw vote on the issue. Professor Colburn replied that there was not.

Professor Lands said that it was not clear that tabling would hold things up since the Assembly did not appear ready to reach a decision anyway. Professor Kish said that many people were still undecided. There was a good case for a University-wide input, which had not yet been obtained. Moreover, only Section A of the report had been discussed up to this point. Time was needed to study the relationship of the other sections to Section A.

The motion to table was passed by a voice vote.

Professor Colburn said that the responsibility for obtaining the legal opinions which were called for in the motion to table should be clearly placed. Professor Franken said that he suggested with reluctance that SACUA should be charged with that responsibility.

There was considerable discussion about how soon a response could be obtained, some claiming that it could be done quickly and others that the Assembly would have to wait until September.

Professor Sandalow reiterated that there were other questions on which the answers to the legal questions might depend. For example, could the consultative committee recommend the disposition of all the funds for salary improvement? Could the committee deal with working conditions as well as salaries? Professor Tice, of the Rights and Responsibilities Committee, said that the answers to these questions were contained in the Rights and Responsibilities report. The Assembly could give directions to the committee. And the whole operation required some degree of trust between the administration and the faculty.

Professor Oberman said that as a new member of the Assembly, he had never had the opportunity to read the Rights and Responsibilities report. He was referred to the SACUA office, the Library, and Department Offices.

Professor Goodman asked for more precise directions to SACUA. He said that the advice received might depend upon what lawyer was consulted. Did the Assembly want them to consult the University attorneys? MERC?

Professor Schuman said that he was more interested in substantive than in legal answers. Professor Bowditch said that while he had earlier expressed concern about hasty action, he was now afraid that nothing would happen for six months. He added that the legal and substantive issues should be separated, and an attempt made to get a quick answer to the legal questions.

Professor Larkin said that the problems would never be resolved by legal opinions, pointing to the relationship between the U. S. Constitution and the Supreme Court. He added that a large group of the faculty thought that the committee recommendations were toothless, and that if action was unduly delayed, the University was likely to get a union quite suddenly. Professor Sandalow replied that there was indeed some urgency, but not only because of possible movements in the direction of unionization. A number of faculty were concerned sufficiently about the prospect of lowered quality in the University to start looking for other places to go.

MOTION TO
TABLE PASSED

Professor Franken said that he interpreted the charge to SACUA as a request to use the resources available to get short, pointed answers. Professor Larkin said that he thought that MEA would be glad to give advice of this nature. Professor Goodman commented that there was no sense in asking MEA for advice, since they were the most likely group to start a lawsuit.

JOURNMENT

The Assembly adjourned at 5:11 p.m.

Wilfred M. Kincaid
Secretary